

JUDGE WOOD

08 CIV 6835

#2

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Dennis Riordan

08.1122

(In the space above enter the full name(s) of the plaintiff(s).)

## COMPLAINT

-against-

H.J. Heinz Co.

Jury Trial: ☒ Yes ☐ No  
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

RECEIVED

AUG 11 2008

CLERK, U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

## I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Dennis Riordan  
Street Address 9 DeForest Ave.  
County, City Rockland New City  
State & Zip Code N.Y. 10956  
Telephone Number (845) 639-7616

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name H. J. Heinz Co.  
 Street Address P.O. Box 57  
 County, City Pittsburgh  
 State & Zip Code Pennsylvania 15230  
 Telephone Number (412) 456-7858

Defendant No. 2 Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

Defendant No. 3 Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

Defendant No. 4 Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

## II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)  
☐ Federal Questions ☒ Diversity of Citizenship
- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?  
 Plaintiff(s) state(s) of citizenship New York  
 Defendant(s) state(s) of citizenship Pennsylvania

### III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Pittsburgh, Pa.

B. What date and approximate time did the events giving rise to your claim(s) occur? 8/28/02

C. Facts: Please See Attached

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

### IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

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**V. Relief:**

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

I am seeking monetary compensation in the amount of 57 million dollars, U.S., plus royalties for the Misappropriation of Intellectual Property relating to my patent # 6,105,812 wherein, H.J. Heinz Co. Knowingly deceived Dennis Riordan by not informing me of their intent to use a concept/idea introduced to them by me prior to their official announcement of such use of said concept/idea in August of 2002. This concept/idea was and is an international success responsible for millions of dollars in increased revenue and sales. It will continue to generate the same for an unforeseen amount of time.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27<sup>th</sup> day of May, 2008

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

Orin

9 Deforest Ave  
New City, N.Y.

10956

(845) 639-7616

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

**For Prisoners:**

I declare under penalty of perjury that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: \_\_\_\_\_

Inmate Number \_\_\_\_\_

Re: Misappropriation of Intellectual Property, Patent # 6,105,812

**Statement of Claim:**

I contacted the legal department at H.J. Heinz Co. by a letter dated 1/28/99, stamped and dated by H.J. Heinz Co. 2/1/99. In the letter I introduced my bottle. H.J. Heinz Co. responded in a letter dated 2/1/99 in which they requested I submit a formal "request for consideration of idea." I did so and included a notarized descriptive page, which introduced the terminology "Upside-Down", a hand written page and drawings.

I received a letter from H.J. Heinz Co. dated 6/16/99 in which it stated it had no present interest in this concept. In August '02, H.J. Heinz Co. officially announced the introduction of a new Upside- Down bottle, which has become a well-known success. This is truly troublesome since my conversations with H.J. Heinz Co. consisted of "no more anticipation."

I again contacted the legal department at H.J. Heinz Co. in January '06 requesting copies of all correspondence be sent to me in "anticipation" of the sale of my patent. An attorney at H.J. Heinz Co. specifically asked me on the phone if I was suing H.J. Heinz Co. before he would release any information. This was 7 years after my last contact with them. A bit strange I think and more so when I was informed by "Kelly" that I was "red flagged" in their system.

I introduced the concept/idea of putting a product in an Upside-Down bottle to H.J. Heinz Co. in '99, in every bit of correspondence I sent them. H. J. Heinz Co. knowingly deceived me by not informing me of their intent to utilize this Upside-Down concept. I don't believe it is a coincidence that H.J. Heinz Co. decided to dispense Ketchup in this Upside-Down manner 3 years after I submitted my idea. This "coincidence" is more far-fetched considering their 100+ years of business with no hint of such packaging before their introduction to my idea/concept. I have all my correspondence with H.J. Heinz Co. and it exists in their database as well. This correspondence will verify this statement of claim.